



JPW 163S

PATENT

Attorney Docket No.: OPT-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Farrar *et al.* GROUP NUMBER: 1635
SERIAL NUMBER: 09/155,708 CONFIRMATION NUMBER: 9036
FILING DATE: April 2, 1998 EXAMINER: Janet L. Epps Ford
TITLE: GENETIC SUPPRESSION AND REPLACEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicant(s) hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application.

- ☒ Copies of the patents and publications are enclosed.
OR
☐ In accordance with the U.S. Patent Office's partial waiver of the requirement under 37 C.F.R. 1.98(a)(2)(i), only copies of the foreign patent documents and non-patent publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office Action** on the merits, or before the mailing of a **first Office Action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
☒ (2) after the period defined in (1) but before the mailing date of a **final Action** or a **Notice of Allowance** under 37 C.F.R. 1.311, and
☐ the requisite Statement is below, **OR**

08/27/2004 EHAILE1 00000009 09155708

01 FC:1806

180.00 0P

{B0319079; 1}

- ☒ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or
- ☐ (3) after the mailing date of a **final Action** or **Notice of Allowance** but before the payment of the **Issue Fee, AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.


STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that **[check the appropriate space only if either (2) or (3) is checked above and the Statement is required]**:

- ☐ (1) Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ (2) No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

Date: August 24, 2004
Reg. No. 43,153
Tel. No. (617) 338-2952
Fax No. (617) 338-2880


Diana M. Steel, D. Phil.
Attorney for Applicants
Sullivan & Worcester LLP
One Post Office Square
Boston, MA 02109

**SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT**
Form PTO-1449

Complete if Known

Application Serial No.	09/155,708
Filing Date	April 2, 1998
First Named Inventor	Farrar <i>et al.</i>
Examiner Name	Janet L. Epps Ford
Group Art Unit	1635
Attorney Docket No.	OPT-003

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Date	Name	Class	Sub Class	Filing Date if Appropriate

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Date	Country Code	Class	Sub Class	Filing Date	Abstract Only	English Language (Y/N?)

NON PATENT LITERATURE DOCUMENTS

Examiner Initials		Include name of author (in CAPITAL LETTERS), date, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), volume-issue numbers, page numbers, publisher, and city where published (when appropriate).
	CCV	HOLT, June 1993, "Antisense Rescue Defines Specialized and Generalized Functional Domains For c-Fos Protein", Molecular and Cellular Biology, Vol. 13, No. 6, pgs. 3821-3830.
	CCW	HOLT et al., July 1986, "Inducible Production of c-Fos Antisense RNA Inhibits 3T3 Cell Proliferation", Proc. Natl. Acad. Sci., Vol. 83, pp. 4794-4798.
	CCX	MILLINGTON-WARD et al., 1997, "Strategems <i>In Vitro</i> For Gene Therapies Directed To Dominant Mutations", Human Molecular Genetics, Vol. 6, No. 9, pgs. 1415-1426.
	CCY	MITANI et al., 1993, "Gene Transfer Therapy For Heritable Disease: Cell And Expression Targeting", Phil. Trans. Soc. Land. B., Vol. 339, pgs. 217-224.
	CCZ	STACEY et al., August 1987, "Rescue of Type I Collagen-Deficient Phenotype by Retroviral-Vector-Mediated Transfer of Human pro α 1(I) Collagen Gene Into Mov-13 Cells", Journal of Virology, Vol. 61, No. 8, pgs. 2549-2554.

Examiner Signature		Date Considered	
-----------------------	--	-----------------	--



PATENT

Attorney Docket No.: OPT-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Farrar *et al.* GROUP NUMBER: 1635
SERIAL NUMBER: 09/155,708 CONFIRMATION NUMBER: 9036
FILING DATE: April 2, 1998 EXAMINER: Janet L. Epps Ford
TITLE: GENETIC SUPPRESSION AND REPLACEMENT

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to below, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24th day of August, 2004.

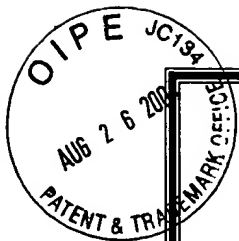
Dated: August 24, 2004

Brenda T. Kowalczyk
Brenda T. Kowalczyk

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Submitted herewith is/are:

Transmittal (1 pg.); Fee Transmittal (1 pg.); Supplemental Information Disclosure Statement (2 pgs.); PTO-1449 (1 pg.); Cited Art - CCV-CCZ; Check in the amount of \$180.00; this Certificate of First Class Mailing (1 pg.); and return receipt postcard.



Transmittal

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

(to be used for all correspondence after initial filing)

Application Serial Number	09/155,708
Filing Date	April 2, 1998
First Named Inventor	Gwenyth Jane Farrar
Group Art Unit	1635
Confirmation Number	9036
Examiner Name	Janet L. Epps Ford
Attorney Docket Number	OPT-003
Patent Number	Not Applicable
Issue Date	Not Applicable

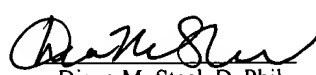
ENCLOSURES (Check all that apply)

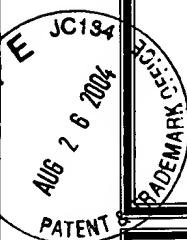
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Response to Notice to File Missing Parts	<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declarations	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Copy of Notice to File Missing Parts	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 CFR 1.8
<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Transmittal of Formal Drawing(s) <input type="checkbox"/> Total Sheets of Drawings __	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 CFR 1.8
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Request for Continued Examination (RCE) Transmittal	<input type="checkbox"/> Certificate of Hand Delivery
<input type="checkbox"/> CD(s) for large table or computer program	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences	<input type="checkbox"/> Revocation of Power of Attorney, Change of Correspondence Address
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Appeal Brief (in triplicate)	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	

CORRESPONDENCE ADDRESS

Direct all correspondence to: Docketing Assistant
Sullivan & Worcester LLP
One Post Office Square
Boston, MA 02109
Tel. No.: (617) 338-2800
Fax No.: (617) 338-2880

SIGNATURE BLOCK

Respectfully submitted,

Date: August 24, 2004
Reg. No.: 43,153
Tel. No.: (617) 338-2952
Fax No.: (617) 338-2800
Diana M. Steel, D. Phil.
Attorney for Applicants
Sullivan & Worcester LLP
One Post Office Square
Boston, MA 02109



Fee Transmittal

For FY 2004
Effective 10/01/2003

Complete if Known

Application Serial No.	09/155,708
Filing Date	April 2, 1998
First Named Inventor	Gwenyth Jane Farrar
Examiner Name	Janet L. Epps Ford
Group Art Unit	1635
Confirmation No.	9036
Attorney Docket No.	OPT-003

METHOD OF PAYMENT (check all that apply)

1. ☒ Payment Enclosed
☐ Check ☐ Money Order ☐ None
☐ Deposit Account

Deposit Account Number **50-3211**

Deposit Account Name - **Sullivan & Worcester LLP**

2. ☒ The Director is authorized to: (check all that apply)
☐ Charge fee(s) indicated below
☒ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

3. ☐ Applicant claims small entity status.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
770	385	Utility Filing Fee	
340	170	Design Filing Fee	
160	80	Provisional Filing Fee	

	No. Filed	No. Extra	Rate	Amount
Total Claims	- 20 =		x \$18.00 =	

Independent Claims	- 3 =		x \$86.00 =	
--------------------	-------	--	-------------	--

<input type="checkbox"/> Multiple Dependent Claim(s), if any			x \$290.00 =	
--	--	--	--------------	--

TOTAL
SMALL ENTITY DISCOUNT
SUBTOTAL (1) (\$)

2. AMENDMENT CLAIM FEES

Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
----------------------------------	---------------------------------	---------------	------	----------

Total	-	=	x \$18.00 =	
-------	---	---	-------------	--

Independent	-	=	x \$86.00 =	
-------------	---	---	-------------	--

<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ \$290.00 =	
---	--	--	--------------	--

TOTAL
SMALL ENTITY DISCOUNT
SUBTOTAL (2) (\$)

CORRESPONDENCE ADDRESS

Direct all correspondence to: Docketing Assistant
Sullivan & Worcester LLP
One Post Office Square
Boston, MA 02109
Tel. No.: (617) 338-2800
Fax No.: (617) 338-2880

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
110	55	Extension for reply within first month	
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
180	180	Submission of Information Disclosure Statement	180.00
40	40	Recordation of assignment per property	
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
110	55	Terminal Disclaimer	
770	385	Request for Continued Examination (RCE)	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
330	165	Notice of Appeal	
330	165	Appeal Brief	
130	130	Petitions to the Commissioner	
290	145	Request for oral hearing	
130	130	Non-English specification	
2520	2520	Request for ex parte reexamination	
1330	665	Utility issue fee (or reissue)	
480	240	Design issue fee	
640	320	Plant issue fee	
300	300	Publication Fee	
Other fee Specify			
Other fee Specify			
SUBTOTAL (3)			(\$180.00)

SUBTOTAL (1) (\$)
SUBTOTAL (2) (\$)
SUBTOTAL (3) (\$180.00)

TOTAL (\$180.00)

SIGNATURE BLOCK

Respectfully submitted,

Date: August 24, 2004
Reg. No.: 43,153
Tel. No.: (617) 338-2952
Fax. No.: (617) 338-2800

Diana M. Steel, D. Phil.
Attorney for Applicants
Sullivan & Worcester LLP
One Post Office Square
Boston, MA 02109